

# In the United States Court of Federal Claims

No. 19-1464C  
(Filed: January 27, 2020)

---

MARK DOWNEY,

*Pro Se* Plaintiff,

v.

THE UNITED STATES,

Defendant.

---

)  
)  
) *Pro Se*; Failure to Prosecute; RCFC 41  
)  
)  
)  
)  
)  
)  
)

## ORDER

On January 9, 2020, the court issued an order (Docket No. 7, attached) directing Mr. Downey to file a response to the defendant's motion to dismiss by January 17, 2020 in order to proceed with his case, and that failure to respond could result in the dismissal of his case for failure to prosecute under Rule 41(b) of the Rules of the United States Court of Federal Claims ("RCFC"). A review of court records indicates that Mr. Downey has not responded to the defendant's motion to dismiss. The above-captioned case is therefore **DISMISSED** without prejudice under RCFC 41(b) for failure to prosecute. The Clerk of the Court is **DIRECTED** to enter judgment accordingly.

**IT IS SO ORDERED.**

  
NANCY B. FIRESTONE  
Senior Judge

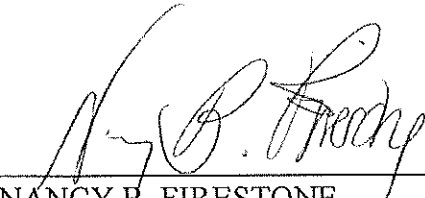
No. 19-1464C  
(Filed: January 9, 2020)

*Pro Se*; Order Directing Response;  
RCFC 7.2(b)

<sup>1</sup> This is Mr. Downey's third complaint filed in this court: including *Downey v. United States*, 19-899C (dismissed for lack of subject matter jurisdiction) (on appeal), *Downey v. United States*, 19-1325C (dismissed for failure to prosecute), *Downey v. United States*, 19-1730C (dismissed for lack of subject matter jurisdiction), *Downey v. United States*, 19-1631C (pending), and *Downey v. United States*, 19-1707C (pending).

defendant's motion to dismiss by **Friday, January 17, 2020**. Failure to respond may result in dismissal for lack of prosecution. RCFC 41(b).

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
NANCY B. FIRESTONE  
Senior Judge